REMARKS

Claims 47–49 and 51 were rejected by the Examiner under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Avellanet, U.S. Patent, 5,733,496. Also, Claim 50 has been rejected by the Examiner 35 U.S.C. 103(a) as being unpatentable over Avellanet in view of Vegoe et al., U.S. Patent 5,180,372. These rejections are respectfully traversed.

The present invention, as defined by claims 47-51, is directed to a rewindable flexible film or a flexible film wound into a roll as a precursor, said flexible film which can be, for example paper or a polyolefin such as polyethylene being provided at selective locations or regions thereof with a structurally transformable substance, for example a polyether and a modifying or activating agent which can be activated by a non-ionizing type of energy, such as for example heat, to initiate a change in the structurally transformable substance into a more rigid form. Thus, the flexible film, the structurally transformable substance and the modifying or activating agent coexist until it is desired to transform the flexible film in selective regions thereof into various types of objects.

It is believed that neither the Avellanet or Vegoe et al. patents clearly show the Applicant's inventive contributions. Thus, the Avellanet reference is not concerned with a flexible film which is wound on a roll but rather the reference patent is concerned with a catheter which is selectively irradiated to provide the catheter with improved stiffness characteristics. Thus, there is no discussion in the reference patent of providing a flexible film which is wound into a roll but which can be activated at a later time depending upon it's desired use. Furthermore, the stiffness in the catheter is created by irradiating the catheter to crosslink the polymer molecules within the polymer tubular member. In the case of the present invention, a modifying agent is utilized in connection with a structurally transformable substance, and the modifying agent is activated by non-ionizing energy which in turn initiates the structural transformation of the polymeric material such as for example, polyether. In addition, in the Avellanet patent, the patentee makes reference to the use of a polyether or a polyolefin material

as the tubular member. Thus, both of these polymers are discussed as alternative materials for the catheter and there appears to be no suggestion in the reference that these materials are used in combination, that is, one as a flexible film and the other as a structurally transformable substance as defined by the present invention.

The Vegoe et al. patent is relied upon by the Examiner to teach that the polymer that is used for tubing can be any polymer or polymer blend suitable for use in catheters that can be cross linked by the application of radiation, for example polyethylene (see column 2, lines 5-9). However, here again, the Vegoe et al. patent is not concerned with providing a roll of flexible material but rather merely shows a catheter which uses radiation cross-linking to provide a better split ability for catheters used in procedures for inserting catheters into the human body. Not only does the Vegoe et al. patent not fill the deficiencies in the Avellanet patent but, in addition, the Vegoe et al. patent is concerned with a problem and solution which is completely remote from that of the present invention.

Since neither the Avellanet are Vegoe et al. patents show a flexible film which can be paper or polyethylene, a structurally transformable substance which can become, for example, a polyethylene resin and a modifying agent which can be counted for example, a hydroxycyclohexylphenylketone, it is believed that the present invention defines an inventive contribution over the prior art relied upon by the Examiner. Accordingly, reconsideration of the rejections and allowance of the claims in the present application are respectfully requested.

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Respectfully submitted,

By _____

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